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ATTORNEYS AT LAW

February 25, 2003

RECEIVED

VIA HAND DELIVERY

FEB 25 2003

Ms. Marlene Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**Re: Request to Accept Document as Timely Filed  
In Docket No. 94-102**

Dear Ms. Dortch:

After speaking with Mr. Bill Caton today, I am writing to request that you accept the Petition for Clarification and Reconsideration filed on behalf of T-Mobile USA, Inc. (already posted in the above-mentioned docket) as timely filed. Because of technical difficulties on the evening of February 21, 2003, I was unable to get the filing through the Commission's electronic filing system between 10:30 pm and midnight. When I finally succeeded, the confirmation sheet I received indicated that the filing would be dated as received the next business day. For the reasons discussed below, I respectfully request that you accept the document as timely filed.

This letter follows a letter to your office dated February 22, 2003 (copy attached), in which I described the difficulties I experienced while attempting to file the Petition on the evening of February 21, 2003. That evening our office building was evacuated after a manhole cover exploded just outside. We were directed to leave and told that the electricity would be turned off during repairs, for an unknown period of time. In addition, our network and e-mail access were interrupted. After the evacuation, I attempted to make the filing from my home starting before 10:30 pm.

After some initial difficulty, I was able access to the FCC's website and the filing system several times, but it repeatedly froze, timed out or disconnected. I continued attempting to file from home for well over an hour, and finally was able to get the filing through without being timed out. However, once I received the confirmation, it indicated that the filing would be date-stamped for the next business day. At that point I left messages for both the ECFS help desk and a staff member of the Wireless Telecommunications Bureau, and the next morning I drafted the letter to you documenting these problems.

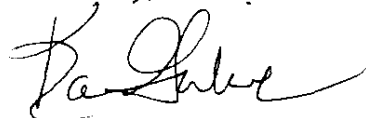
014

Pursuant to sections 1.3 and 0.231(i), I respectfully request that you accept this document as timely filed. Despite every good faith effort, I was not able to get the Commission's system to accept the filing for a lengthy period of time. When the document finally went through, the actual delay in the acceptance of the filing was minimal: Ms. Robin Jackson, of the Commission's ECFS staff, confirmed yesterday after initial receipt within the system, the document was received within her office and stamped at 12:02 am – a delay of two minutes.

T-Mobile has been an active participant in this docket and has always made its filings in a timely manner. Because of the unusual circumstances affecting completion of the filing, which were beyond our control and are highly unlikely to be repeated, T-Mobile respectfully requests that you accept the document as timely filed.

Please contact me at (202) 730-1340 if I can provide you with any additional information.  
Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Karen Gulick', written in a cursive style.

Karen Gulick  
*Counsel to T-Mobile USA, Inc.*

Attachments

cc: William Caton, Office of the Secretary



1200 EIGHTEENTH STREET, NW  
WASHINGTON, DC 20036

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ATTORNEYS AT LAW

February 22, 2003

**VIA E-MAIL AND FIRST CLASS MAIL**

Ms. Marlene Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, DC 20554

**RECEIVED**

**FEB 25 2003**

**FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY**

Re: Technical Problems with Filing in CC Docket No. 94-102

Dear Ms. Dortch:

I am writing to document networking difficulties I experienced last night that may have affected the Commission's receipt of a Petition for Clarification and Reconsideration filed on behalf of T-Mobile LISA, Inc. in the above mentioned docket. Although the filing was timely submitted and, I believe, ultimately received in ECFS, it may have been processed late.

Last evening our office building was evacuated after a manhole cover blew up just outside. I was told to leave and that the electricity was going to be cut off for an unspecified amount of time. Once at home, I completed formatting the document and attempted to file via ECFS, as I have done very easily dozens of times before. I had repeated difficulty getting the document through (slow processing and freezing), which I believe was due to difficulty on my end, either with my computer or with my cable modem and network provider. **As** an alternative, I attempted to log on to our firm's network but I could not connect and received an error message. (I believe this was due to the electricity being off and our network being down.) In any event, I attempted to initiate the filing process repeatedly but the document would not go through. Ultimately the document did appear to go through, but when I received the confirmation sheet, it indicated that the document would be dated as received the next business day (Monday, February 24).

Because the document was submitted before midnight, and I received the confirmation right around midnight, I am very concerned that the document be dated appropriately as filed February 21, 2003. I immediately called the help desk (phone number listed on the confirmation sheet), left a message concerning the problem, and asked that someone call me on Monday when the help desk reopened. At the time I placed the call, my clock said 12:03. Subsequently, at about 12:15, I also attempted to e-mail the filing to several staff members for the Wireless Telecommunications Bureau. Because I was forced to do this off an e-mail account with my cable provider, which I do not otherwise use, I was concerned whether the e-mail would go through. Although I copied my e-mail account at work, I have not received the message. I do not know if the difficulty was with our office network (in which case the staff would have received the filing) or with my home network and/or computer.

Ms. Marlene Dortch  
February 22, 2003  
Page 2 of 2

Finally, not knowing what else to do, I left a voicemail message for the Deputy Chief of WTB's Policy Division, Blaise Scinto, mentioning the difficulties and indicating that she hopefully should have the e-mail in her in-box.

Given these difficulties, if in fact the filing has been dated by the system as received on February 24, I would ask that you please correct this. I very much appreciate your assistance and understanding with this matter. Please contact me at (202) 730-1340 if you need any additional information.

Sincerely,

/s/

Karen Gulick  
*Counsel to T-Mobile USA, Inc.*

Attachment (PDF file of the filing)

cc: John Muleta, WTB  
Jim Schlichting, WTB  
Blaise Scinto, WTB  
Dan Grosh, WTB  
Patrick Forster, WTB  
ecfs@fcc.gov



The FCC Acknowledges Receipt of Comments From ...  
**T-Mobile**  
...and Thank You for Your Comments

Your Confirmation Number is:  
2003222550019

Date Received:

Feb 24 2003

Please note: The Date Received reflects the next official business day.

Docket:

94-102

Number of Files Transmitted: 1

File Name	File Type	File Size (bytes)
PETITION	Microsoft Word	137217

**DISCLOSURE**

This confirmation verifies that ECFS has received and accepted your filing. However, your filing will be rejected by ECFS if it contains macros, passwords, redlining, read-only formatting, a virus or automated links to source documents that is not included with your filing. Filers are encouraged to retrieve and view their filing within 24 hours of receipt of this confirmation. For any problems contact the Help Desk at 202-418-0193.

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updated 02/11/02